

Taliban Sanctions Options

EB, P, E, SA, S/CT, and L met May 13 to identify potential sanctions measures which might be considered in an effort to put pressure on the Taliban to resolve the issue of Usama Bin Laden. Potential sanctions options were evaluated in light of the following sanctions reform principles: sanctions measures should contribute to rather than undermine efforts to secure multilateral cooperation; should be effective in contributing to the achievement of our goals; be narrowly targeted so as to impact decision makers; avoid damage to innocent third parties and minimize adverse humanitarian impact; be enforceable; be capable of flexible implementation to serve as a tool in potential future negotiations; and minimize to the extent possible unjustifiable costs to other important U.S. interests.

Since Afghanistan has no government that we recognize, the U.S. would have to target sanctions more narrowly. While it would be possible to target the entire Taliban organization, we believe that would catch thousands of individuals with little or no responsibility for the behavior we are seeking to modify. Consequently, we believe that sanctions should be targeted at named individuals in positions of leadership in the Taliban. Some broader measures may also be moderately effective without unacceptable costs to U.S. interests.

Exemptions

We believe any eventual sanctions should not disrupt on-going humanitarian activities or have an adverse humanitarian impact on people in Afghanistan. Thus, for example, an Executive order imposing sanctions should not prevent humanitarian donations and should allow for commercial sales of food, medicine, and medical equipment (which does not impose any potential dual use problems) consistent with the President's statement of April 28.

Potentially Effective Sanctions Which Warrant Further Examination

Blocking property and interests of specifically named individuals in the Taliban leadership. Likely impact minimal, given the few assets under U.S. jurisdiction. Would prohibit U.S. persons from dealing in the blocked property, thus cutting off any flow of U.S. funds to the named individuals.

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Oppose non-BHN loans in international financial institutions. Likely impact minimal, no loans currently contemplated.

Ban on new U.S. investment in Afghanistan. Likely economic impact minimal, political impact moderate. Because the Taliban are seeking international investment as a tool to rebuild the domestic economy, a ban on any U.S. investment until the Bin Laden problem is resolved would respond directly to stated Taliban interests. A U.S. investment ban could also potentially have a chilling effect on investment by others, but has had no effect or initial effect has greatly diminished over time in other cases.

Ban payments for overflights of Afghanistan. Likely impact minimal. We do not believe that any U.S. airlines currently overfly Afghanistan. We could, however, encourage others (EU) to institute similar restrictions.

Ban on exports of munitions list items, and items controlled for dual use and foreign policy reasons under the EAR. Likely economic impact minimal given the extremely limited volume of bilateral trade. Appropriate as political message.

Ban on exports of petroleum or petroleum products to Afghanistan by U.S. persons. Impact is unclear since we do not know if any such trade exists. If U.S. suppliers exist, they would be easily replaced by third country firms. Needs further evaluation.

Visa restrictions on named individuals (designated senior Taliban officials) and their families. Impact moderate; there is minimal travel by Taliban to the U.S. Might encourage others (EU) to institute similar restrictions.

Restrict the movement of Taliban representatives in U.S. Impact moderate.

### Ineffective Sanctions

The following potential sanctions were considered but rejected as ineffective, unenforceable or counterproductive:

Ban/Oppose Restructuring Debt Transactions: There is little or no outstanding debt; Taliban does not acknowledge any responsibility for it.

Flight/Overflight Ban: Moot, since there are no flights between the U.S. and Afghanistan.

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Restrictions on USG Assistance: The U.S. does not provide direct bilateral assistance to Afghanistan. There may be programs we would wish to support (e.g. aid to women, children, counter-narcotics).

Cease military-to-military cooperation: Does not exist.

Ban on assistance to police and narcotics enforcement: Could be counterproductive, especially on narcotic programs.

Ban on OPIC, EXIM, TDA: Programs currently not available for Afghanistan.

Comprehensive Trade Embargo: Ineffective, essentially no trade now. Inconsistent with Administration's sanctions reform effort.

Ban all financial transactions incident to business/use of US passports for travel to Afghanistan. Ineffective: few or no business contacts. Would adversely effect humanitarian organizations.

Ban cultural, scientific, and student exchanges: Ineffective. There are currently no such exchanges. Would adversely affect U.S. ability to work with opposition or civil society.

Close Taliban office in U.S. Counterproductive. Denies U.S. point of contact with Taliban.

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document ESP Taliban Sanctions  
(saved in SAPAB/99AFGHAN/M-5STICKS)

Drafted:EB/ESC:DMoran

Cleared:EB/ESC:PBass - ok

L/EB:SCrocker - ok

INR:SEcton - info

SA:CBlakeman/THushek - ok

S/CT:BRogers/GGray - ok

E:CKalin - ok

P:SGwaltney - ok

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PROPOSED TIMELINEPhase 1 - Mid May

- Formal readout from Saudis on Sultan visit
- Finalize text of Executive order sanctioning Taliban
- Finalize incentives package

Phase 2 - Late May

- Ambassador Milam returns to Islamabad, briefs foreign secretary and senior Taliban on mounting concern over Bin Laden
  - Presidential call/letter to Prime Minister Nawaz Sharif
- Key points: Importance of Bin Laden's expulsion; possible sanctions against Taliban; corresponding incentives.

Phase 3 - First week of June

- Visit of General Ziauddin to Washington; meeting with Under Secretary Pickering who will outline our UBL strategy; additional meetings with other senior USG officials.
- Explore Ariana landing rights, petroleum, diplomatic representation, related issues with Saudi Arabia, UAE
- Embassy Cairo provides full briefing to Egyptians

Phase 4: Second/third week of June

- A/S Inderfurth and S/CT Sheehan convey package of incentives, sanctions to Ambassador Khokhar and senior Taliban representative in New York.
- Parallel message by Ambassador Milam in Islamabad and with senior Taliban representative from Kandahar.
- Treasury teams to Saudi Arabia, United Arab Emirates.

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## Phase 5: Mid-June

- S/CT Acting Coordinator Sheehan, SA PDAS Lanpher and interagency team to the region to meet with Pakistanis, Taliban, others. Key message to convey date certain for sanctions.
- Assistant Secretary Inderfurth consultations with Special Envoy Brahimi, Six Plus Two members, key donors
- Review security of U.S. citizens, NGO and U.N. staff in Afghanistan and other areas of potential risk.

## Phase 6: July

- President raises issue with Mubarak.
- Follow-on diplomatic activity as developments warrant

## Phase 7: Early August

- Impose sanctions on Taliban through Executive order
- Further increase pressure on the Taliban and their supporters.

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Drafted by: SA/PAB - C Blakeman  
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EB - Moran/Parson  
P - Gwaltney  
NEA - Keiswetter/Schlicher  
SA - Lanpher  
E - Kalin, Moore

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NODIS CHANNEL 9909156 5/15/  
(XR-P NFS MEMO DTD 5/13/99)  
United States Department of State



ORIGINAL RETURNED TO SA on 5/26

Washington, D.C. 20520

ACTION MEMORANDUM

May 15, 1999  
RELEASED IN PART  
B1, 1.4(D)

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DECL: 5/13/09

DECAPTIONED

TO: The Secretary

FROM: SA - Karl F. Inderfurth  
NEA - Martin Indyk  
S/CT - Michael Sheehan, Acting

SUBJECT: A New Bin Laden Strategy

ISSUE FOR DECISION

Whether to approve a new strategy against Usama Bin Laden that intensifies diplomatic pressure against the Taliban, including the issuance of an Executive order no later than August 7, a year after the attacks in Nairobi and Dar Es Salaam.

ESSENTIAL FACTORS

Diplomatic efforts would [redacted] include high-level representations to [redacted] and the Taliban themselves.

Our goal is to induce the Taliban to expel Bin Laden to a jurisdiction where he will face justice. Between now and August we will seek to use various levers to this end, including increasing the Taliban's diplomatic isolation, working with others to reduce their access to petroleum and to deny Ariana Afghan Airlines overseas landing rights, and [redacted]

If these efforts do not succeed, we propose to dispatch a team to the region in late June to give the Taliban and [redacted] final notice that we intend to impose sanctions in early August. An interagency team is reviewing possible sanctions, which are discussed at Tab 1. The sanctions will

UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: SHARON E AHMAD

CLASSIFICATION: SECRET REASON: 1.4(D)

DECLASSIFY AFTER: 13 MAY 2019

DATE/CASE ID: 07 AUG 2007 200602981

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Classified by Karl F. Inderfurth, Assistant Secretary for South Asia  
Reason: 1.5 (d)

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not have great practical effect but will have a chilling political impact on the Taliban's strong desire to achieve international recognition. This is the card we will play with them

In addition, we plan to seek Egypt's assistance. President Mubarak visits Washington in early July. We will put Bin Laden on the President's agenda and fully brief the Egyptians beforehand. This will require a letter and/or telephone call from the President.

Our representations to date with the Taliban have yielded marginal results. Bin Laden remains under Taliban protection, perhaps more restricted than previously. We propose a fresh approach that brings into sharper relief the stark choice they now face. The credible threat of sanctions, with a date certain, is one element. Incentives are the other. We are considering a package that includes supporting a vacant Afghan seat at the United Nations, rather than leaving it in the hands of the shrunken opposition. We might also offer development assistance aimed at providing health, education and other social services to Afghan women. While we will focus our efforts on UBL's expulsion, we will also press for greater

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progress on counter-narcotics and improvement in the situation of women and girls, making clear that progress on these two priority issues could lead to a greater degree of engagement with us. A preliminary sketch of potential sanctions and incentives is attached at Tabs 1 and 2.

Our package would present the Taliban the clearest choice yet between cooperation and further refusal to expel Bin Laden.

We will harmonize this strategy with other key objectives, such as non-proliferation, and ensure that the Executive order is consistent with our overall sanctions policy.

## RECOMMENDATION

That you approve the strategy described above. (SA, NEA and S/CT concur).

Approve

6/5/24

Disapprove

(MKA)

(as fine tuned  
for discussion)

## Attachments:

- Tab 1 - Sanctions Discussion
- Tab 2 - Possible Incentives
- Tab 3 - Timeline

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Drafted by: SA/PAB - C Blakeman  
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Cleared: D - Devillafranca  
S/P - Pollock  
EB - Moran/Parson  
P - Gwaltney  
NEA - Keiswetter/Schlicher  
SA - Lanpher  
E - Kalin, Moore

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B1, 1.4(D)

Afghanistan: Potential Incentives for the Taliban

Our approach to the Taliban should include incentives to encourage and reward positive behavior on terrorism, including the expulsion to justice of Usama Bin Laden and his associates, as well as narcotics and treatment of women and girls. We should make clear to the Taliban that while we demand resolution of the UBL issue, progress on our other priorities - narcotics and treatment of women and girls - would enable us to consider greater movement on issues of importance to the Taliban. Ultimately, what the Taliban desires is international recognition as the legitimate government of Afghanistan. We are not prepared to do that but should consider the following measures as possible incentives to reward progress on our policy priorities.

**Vacant UN Seat:**

- Offer to support a vacant seat at the UN. The OIC similarly has vacated the Afghan seat. The Taliban would see this as a step toward eventual recognition, although that would not be our intention nor would recognition be an automatic next step.
- Although the United States recognizes no faction as the legitimate Afghan government, the Rabbani government continues to occupy Afghanistan's UN seat, even as the area under its control has shrunk dramatically. The Rabbani government cannot claim the moral high ground as it also had a deplorable record on human rights, gender and narcotics, although not to the degree of the Taliban.
- the move would be publicly identified as pro-Taliban. Domestic women's rights groups are sensitive to perceived deal-making that could appear to leave gender issues off the table. Also, with only one vote on the Credentials Committee, we are unable to guarantee a vacant seat.

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**Increased Assistance:**

- Increase our assistance levels, and consider including development aid in addition to humanitarian assistance.
- Increased assistance should be targeted toward programs for women, including provision of health, education, social services and perhaps micro-credit, and to counter-narcotics where possible.

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- Any shift toward developmental assistance should be done in cooperation with the broader donor community in order not to undermine international principles and coordination efforts. The assistance should continue to be channeled through UN agencies, the ICRC and international NGOs and should avoid capacity building programs for Taliban controlled "government" institutions.
- Japan has expressed interest in hosting a conference on reconstruction after fighting stops. We could offer to put together a multilateral development mission to survey and make recommendations on Afghanistan's development needs.

### **Increased U.S. Presence in Kabul:**

- Prior to the August missile strikes, U.S. Embassy Islamabad regularly sent officers into Afghanistan. If UBL and other terrorists are removed and security conditions permit, we could consider increasing official U.S. presence in Kabul, short of re-opening our Embassy or stationing anyone permanently.
- A regular presence would be useful to oversee increased aid efforts as well as monitor human rights, political and military developments. A negotiated security protocol (along the lines of the UN protocol) could help cement Taliban anti-terrorist commitments. This approach should be incremental, with officers visiting for short periods. It would require solid security guarantees by the Taliban whose performance would have to be closely monitored.

### **Exchanges:**

- Bring Taliban members and other Afghans, including women, to the United States on USIS exchanges for exposure to key issues of concern such as human rights, gender and narcotics.

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Drafted: SA/PAB:THushek  
5/13/99  
99Afghan/M-5carrots

Cleared: SA/PAB:MMalinowski/CBlakeman/SRapoport-ok  
P:SGwaltney-ok  
D:RDeVillafranca-ok  
S/P:DPollock-ok  
S/CT:BRogers-ok  
IO:ARudman-ok

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United States Department of State

Washington, D.C. 20520

JUN 1 2009

Case No.: 200602981 SES1

Mr. J.M. Berger  
411A Highland Ave., No. 201  
Somerville, MA 02144

Dear Mr. Berger:

In response to your request dated June 6, 2006, under the Freedom of Information Act (Title 5 USC Section 552), we have initiated searches of the following Department of State record systems: the records of the Bureau of Intelligence and Research, the Bureau of Near Eastern Affairs, the Bureau of South and Central Asian Affairs, the Office of the Ambassador-at-Large for Counter-Terrorism, and the Office of the Executive Secretariat.

The search of the records of Executive Secretariat has been completed, and has resulted in the retrieval of nine documents responsive to your request. We reviewed these documents and determined that two may be released in full and two may be released with excisions. All released material is enclosed.

A decision on the remaining five documents requires intra-agency or interagency coordination: they have been referred to another government office for further review to assist us in making a final determination.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document.

In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material withheld by the Department of State, you have the right to appeal our determination within 60 days. A copy of the appeals procedures is enclosed.

In addition, the searches of the Bureau of Intelligence and Research, the Bureau of Near Eastern Affairs, and the Bureau of South and Central Asian Affairs have been completed, and have resulted in the retrieval of no documents responsive to your request.

We will keep you informed as your case progresses. If you have any questions, you may write to the Office of Information Programs and Services, SA-2, Department of State, Washington, DC 20522-8100, or telephone us at (202) 261-8484. Please be sure to refer to the case number shown above in all correspondence about this case.

Sincerely,



Margaret P. Grafeld, Director  
Office of Information Programs and Services

Enclosures:  
As stated.